IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 513 OF 2005

Suresh Shamrao Patkar ... Appellant

V/s

Ratnagiri District Central Co-op. Bank Ltd. & ors. ... Respondents

Mr. Anoop Sharma holding for Mr.S.M. Kazi for the appellant.

Mr. S.M. Gorwadkar for Respondent Nos. 1 to 3.

Mr. S.B. Shetye for the respondent No.4.

CORAM: P.V. KAKADE, J.

DATED: 9TH AUGUST, 2005

P.C.:

1. The appellant has preferred this appeal against the judgment and order passed by the District Judge, Ratnagiri dated 5.11.2003 dismissing his appeal and confirming the judgment and order passed by the Civil Judge, Jr.Divn., Ratnagiri, dated 20.8.2002 dismissing the plaintiff's suit.

2. I have heard the learned counsel for both parties. Perused the record.

3. The plaintiff filed the suit for recovery of black and white T.V. set which has been seized by the recovery officer under the recovery of loan and suit for damages of Rs.1000/-.

4. Both parties contested the suit and learned Trial Judge adjudicated the dispute on merits and came to the conclusion that the notice involved in the suit was legal and proper. It was further held that the defendant had seized the T.V. set legally and, therefore, the plaintiff was not entitled for possession of T.V. set. He was also held not entitled to damages as prayed for and suit came to be dismissed.

5. The appeal was carried to the District Court, Ratnagiri. The learned District Judge, after hearing both parties and on the basis of available evidence dismissed the appeal. Hence the present appeal.

6. At the outset, it may be noted that there is absolutely no substantial question of law involved in this appeal. My attention was drawn by the learned counsel for the appellant to the appeal memo containing the questions sought to be raised. However, perusal

thereof would show that those are not only vague pertaining to so-called illegality in framing of issues of appreciation of evidence by both the Courts below, but it is obvious that there is no substantial question of law involved in the dispute. Moreover, on perusal of judgments of both the Courts below, it is found that the available evidence is properly appreciated and conclusions are drawn on the basis of evidence on record after raising proper issues.

7. In the result, the appeal has no merits and stands dismissed with no order as to costs.

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